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10/609,332	06/26/2003	Larry Henry Steinhorst	064731.0346	7931
5073 7590 09/14/2009 BAKER BOTTS L.L.P. 2001 ROSS AVENUE SUITE 600 DALLAS, TX 75201-2980				
EXAMINER LEUNG, CHRISTINA Y				
ART UNIT 2613		PAPER NUMBER		
NOTIFICATION DATE 09/14/2009		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte: LARRY HENRY STEINHORST, WILSON KIT-MAN CHAN
and JUNJI YAMAMOTO

Application No. 10/609,332
Technology Center 2600

Mailed: September 11, 2009

Before GLORIA HENDERSON, *Review Team Paralegal*
HENDERSON, *Review Team Paralegal*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on August 24, 2009. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matter(s) requiring attention prior to docketing are identified below.

APPEAL BRIEF, GROUNDS OF REJECTION

A review of the file finds that the grounds of rejection of the claims as provided in the Appeal Brief filed June 24, 2008 under the heading “Grounds of rejection to be reviewed on appeal” is unclear and/or is not consistent with the grounds of rejection of claims of record. The grounds of rejection of the claims as provided in the Appeal Brief must be consistent with the last Office action of record, including any Advisory action responsive to any after final submissions. Each Grounds of rejection to be reviewed on appeal must be identified. The appellants did not identify Claims 1, 2, 4-10, 12-15, 32 and 33 in the Appeal Brief filed June 24, 2008.

A Supplemental Appeal Brief is required for the Grounds of Rejection to be Reviewed on Appeal.

CONCLUSION

Accordingly, it is

ORDERED that the application is electronically returned to the Examiner:

- 1) to hold the Appeal Brief filed on June 24, 2008 defective;
- 2) notify Appellant to file a Supplemental Appeal Brief with the correct information for the Grounds of Rejection,

- 3) consider the Supplemental Appeal Brief and if it is in compliance, issue and mail a Form PTOL-90 acknowledging receipt and consideration of the Supplemental Appeal Brief; and
- 4) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

GJH

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